



Shapiro Arato Bach LLP

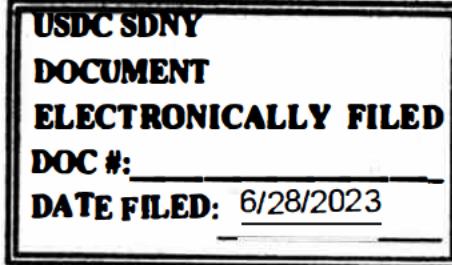
1140 Avenue of the Americas, 17th Floor, New York, NY 10036  
phone: 212-257-4880 | fax: 212-202-6417  
[www.shapiroarato.com](http://www.shapiroarato.com)

Jonathan P. Bach  
[jbach@shapiroarato.com](mailto:jbach@shapiroarato.com)  
Direct: 212-257-4897

May 1, 2023

Via ECF

The Honorable Robert W. Lehrburger  
500 Pearl Street, Room 1960  
United States Courthouse  
New York, NY 10007



Re: *Hedgeye Risk Management, LLC v. Dale*, No. 21-cv-3687 (ALC) (RWL)

Dear Judge Lehrburger:

On behalf of Defendants Darius Dale, Steven Lamar, and 42 Macro LLC, we seek leave to file Defendants' reply in support of our motion to compel Hedgeye to produce responsive messages and Exhibit A thereto under seal. Hedgeye designated Exhibit A "Confidential." Defendants do not believe the document merits that designation; however, we are required to file it under seal consistent with the Protective Order in this case.

Motion to seal denied. Plaintiff did not file any motion to preserve confidentiality as required by this Court's Individual Rules (see Rule III(G) and Appendix), and, in any event, the material designated does not meet the Second Circuit's standards for sealing. The Clerk of Court is respectfully requested to unseal Dkt. 520 by modifying it to the public viewing level.

SO ORDERED:

6/28/2023

  
HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted,

/s/ Jonathan P. Bach  
Jonathan P. Bach  
Fabien M. Thayamballi  
Alice Buttrick  
SHAPIRO ARATO BACH LLP  
1140 Avenue of the Americas, 17<sup>th</sup> Fl.  
New York, NY 10036  
Tel: (212) 257-4897  
Fax: (212) 202-6417  
[jbach@shapiroarato.com](mailto:jbach@shapiroarato.com)  
[fthayamballi@shapiroarato.com](mailto:fthayamballi@shapiroarato.com)  
[abuttrick@shapiroarato.com](mailto:abuttrick@shapiroarato.com)

*Attorneys for Defendants Darius Dale,  
Steven Lamar, and 42 Macro LLC*